

# **Command Discipline Report** **New Rochelle Police Department**

Officer's Name	Rank	Employee Number	Assignment
Myron Joseph	Sergeant	6866	PSD / Traffic

Investigation has been completed concerning the violation charged herein. The finding and the disciplinary action recommended are indicated below. You may accept the finding and the proposed disciplinary action or decline to accept the finding and the proposed disciplinary action in lieu of a statutory hearing on written charges before a hearing officer.

## **Summary of Investigation and Disposition of Complaint:**

On January 9, 2008 Sergeant Myron Joseph took possession of a TraCS summons from Captain Schaller. Captain Schaller received the summons from a citizen who believed it might have been issued in error.


Captain Schaller gave the summons to Sergeant Joseph to investigate the complaint.

Sergeant Joseph mistakenly believed that Captain Schaller had already determined that the summons was issued in error and wanted him to void the summons.

Although Sergeant Joseph is authorized to void improper summonses, in this instance, he failed to follow proper procedure as it appears in Chapter 2, Article 2.03, and Section 13 of this department's Manual of Procedure.

Chapter 1, Section 1.1 of this Department's Rules and Regulations states, "All members of the Department will adhere to all established departmental policies and procedures".

By his actions Sergeant Joseph violated rule 1.1.

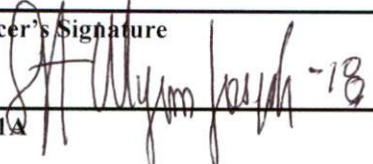
Finding	Disciplinary Action Recommended
<b>Sustained</b>	<b>Letter of Reprimand</b>
Signature of Division Commander	Date
	11 Feb 2008

To Be Completed By Officer Charged:

I understand that I do not have to accept the findings and the disciplinary action recommended by my commanding officer. My right to a statutory hearing before a hearing officer has been explained to me and I hereby voluntarily:


( ☒ ) **Accept** the finding and the proposed disciplinary action.

( ☐ ) **Decline** to accept any disciplinary action without a statutory hearing.

Officer's Signature	Date	Witnessed by:
 -18	11 Feb 2008	CAPT. GAZZOLA
CO 1A		

DATE OF REPORT <b>25 Jan 08</b>		POLICE DEPARTMENT CITY OF NEW ROCHELLE, N. Y.		COMPLAINT NUMBER <b>5/08</b>
COMPLAINANT'S NAME <b>Lt. James Fortunato</b>		ADDRESS <b>NRPD</b>		PHONE NO. (HOME & BUSINESS)
DATE AND TIME RECEIVED <b>18 Jan 08</b>		COMPLAINT RECEIVED BY		HOW RECEIVED
DATE AND TIME OF OCCURRENCE <b>9 Jan 08</b>		LOCATION OF OCCURRENCE <b>NRPD Hqtrs</b>		
OFFICER(S) INVOLVED: NAME <b>Myron Joseph</b>		RANK <b>Sergeant</b>		SHIELD NUMBER <b>18 / 6866</b>
WITNESSES: NAME		ADDRESS		PHONE NO. (HOME & BUSINESS)
STATEMENT OF COMPLAINT: <p>On January 9, 2008 Sergeant Myron Joseph took possession of a TraCS summons from Captain Schaller. Captain Schaller received the summons from a citizen who believed it might have been issued in error.</p> <p>Captain Schaller gave the summons to Sergeant Joseph to investigate the complaint.</p> <p>Sergeant Joseph mistakenly believed that Captain Schaller had already determined that the summons was issued in error and wanted him to void it, so, Sergeant Joseph voided the summons.</p> <p>Although Sergeant Joseph is authorized to void an improper summons, in this instance, he failed to follow proper procedure as it appears in Chapter 2, Article 2.03, and Section 13 of this department's Manual of Procedure.</p>				

In making this complaint I agree to be available for any Department Trial or Hearing as may come due. I further understand that the making of a false statement in this instrument is punishable as a Class A Misdemeanor pursuant to Section 210.45 of the Penal Law of the State of New York.

  
SIGNATURE OF COMPLAINANT

Sworn to before me this

\_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

NOTARY PUBLIC, WESTCHESTER COUNTY  
STATE OF NEW YORK

City Of New Rochelle  
New York

Interdepartmental communication

To: Sergeant Myron Joseph

From: Captain Robert Gazzola

Subject: Letter of Reprimand

Date: 25 Jan 08

This letter of Reprimand is issued in connection with Command Discipline Number 5/08, which was served upon you on 11 Feb 2008 and accepted by you on 11 Feb 2008.

You are hereby formally reprimanded for the conduct stated in the above referenced Command Discipline. Failing to follow proper departmental procedure for voiding a summons interferes with the efficient and orderly operation of the Police Department.

You are hereby advised that any further misconduct on your part including, but not limited to, the conduct described above, will result in the imposition of discipline as provided for in Chapter 6 of the New Rochelle Police Departments Manual of Procedure and Article 75 of the New York State Civil Service Law.

cc: Sergeant William Odell, S.O.A. President  
Disciplinary file